

Legal
No. 5
DCI/IC 76-1957
14 May 1976

MEMORANDUM FOR: Deputy to the DCI for the Intelligence Community

FROM :
AD/OPBD/ICS

SUBJECT : Senate Resolution 400

1. It appears that a number of key Senators who were sponsoring different versions have agreed on a compromise of Senate Resolution 400. With the other versions of the resolution being withdrawn, the compromise seems to have enough bipartisan support to pass the Senate in some form probably within the next week or so. Attached (Tab 1) is a summary of the key points of the compromise version.

2. The Legislative Counsel has not taken a position either for or against the compromise. However, they are pointing out that the DCI still has problems with the compromise in the proliferation of sensitive information and the fractionation of oversight. Attached (Tab 2) is a copy of the latest OLC paper on these two issues.

3. We understand that Mr. Ellsworth testified on 13 May before the Senate Armed Services Committee on the oversight legislation. We do not know his position, but since it was before the Armed Services Committee whose members are opposed to changing the oversight procedures, it is assumed that Mr. Ellsworth was not favorably disposed to the compromise. The Armed Services Committee plans on releasing Mr. Ellsworth's testimony either today or Monday. We are attempting to get a copy.

4. I recommend an IC Staff position on the subject of oversight as follows:

a. We accept and endorse the concept of Congressional Oversight.

b. We should not get the DCI in the middle of an internal Senate debate over how oversight is to be conducted (i.e. which resolution or which legislation he favors).

c. The DCI should be able to provide his views to Congress from two vantage points:

(1) as a manager. The DCI must implement and oversee a difficult management concept--a Community of diverse organizations. Congressional oversight should help him do this.

(2) as an intelligence advisor. The DCI is charged with protecting sources and methods. He should, therefore, be free to advise the Congress on this aspect of any oversight procedure.

d. The IC Staff should urge adoption of the simplest oversight procedures possible consistent with the needs of Congress. It should urge the Congress to preserve the Community structure; i.e., avoid as much as possible dividing oversight among several committees.



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Attachments:

- Tab 1. Summary of Compromise
- Tab 2. CIA Key Intelligence Oversight Issues
- Tab 3. Material Concerning Budget Secrecy

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